

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Anthony Alphonso Stevens,)	
)	C/A No. 1:09-0233-MBS
Plaintiff,)	
)	
vs.)	O R D E R
)	
Willie Toole, Debbie Fine,)	
)	
Defendants.)	
_____)	

At the time of the underlying complaint, Plaintiff Anthony Alphonso Stevens was a pretrial detainee at the Aiken County Detention Center in Aiken, South Carolina. Plaintiff, proceeding pro se, filed a complaint on January 29, 2009, asserting that Defendant Willie Toole, allegedly the owner of the house where Plaintiff resides, and Defendant Debbie Fine, allegedly Plaintiff's landlord, moved his personal property out of the house while Plaintiff was incarcerated. Plaintiff alleges that his wife attempted to retrieve the personal property, but was told that the property would not be returned "until we pay some rent money." Complaint, 3 (unnumbered).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On March 24, 2009, the Magistrate Judge issued a Report and Recommendation in which she recommended that Plaintiff's complaint be dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Plaintiff's complaint is dismissed, without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

April 17, 2009.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.